

REMARKS

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. No new matter has been added as a result of these amendments as the amendments are supported in at least paragraphs 40-44.

Rejections

Rejections under 35 U.S.C. § 102(e)

Claims 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-48

Claims 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent/Publication 2003/0126439 to Wheeler, et al.

In rejecting the claims, the Examiner is relying on Wheeler's disclosure of allowing a user different access to different secure locations, e.g., higher access is allowed to a parking lot than to a nuclear power plant.

In contrast, Applicant claims requesting access to a secure entity from a location. Moreover, in the amended claims, Applicant claims that a user is given different levels of access to the secure entity depending on the user's location when the user requests access. In addition, Applicant has amended the claims to clarify that the secure entity is a data provider, such as secure server as described in paragraph 40 of the Specification, not a physical location, such as a parking lot or a building.

Because Wheeler does not teach or suggest giving different levels of access to a secure data providing entity depending on the location of the user as claimed, Wheeler cannot be properly interpreted as anticipating Application's invention as claimed in claims 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-48. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 102(e).

Claims 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-48

Claims 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent/Publication 2002/0026423 to Maritzen, et al.

Maritzen discloses an electronic commerce system that authenticates a user during a transaction. Maritzen discloses that the user can be given secure access to a server from various locations. However, Maritzen does not teach or suggest giving different levels of access to a secure data providing entity depending on the location of the user as claimed in the amended claims.

Accordingly, Applicant respectfully submits that the invention claimed in claims 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-48 is not anticipated by Maritzen under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

New Claim

Applicant has added independent claim 49 to claim the authentication process. Claim 49 is allowable for at least the reasons given above for claim 12, which claims the authentication process in conjunction with other operations.

SUMMARY

Claims 1, 5, 12, 17, 20, 21, 28, 31, 37-40, and 47-49 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

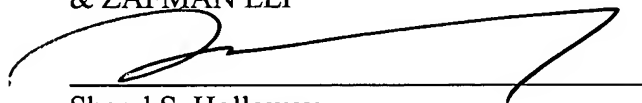
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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